

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 1:19-cv-00819-ADA

NEODRON LTD.,

Plaintiff,

v.

HP, INC.,

Defendant.

Case No. 1:19-cv-00873-ADA

NEODRON LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 1:19-cv-00874-ADA

NEODRON LTD.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 1:19-cv-00898-ADA

NEODRON LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

Case No. 1:19-cv-00903-ADA

JOINT NOTICE REGARDING JANUARY 7, 2020 TELEPHONIC HEARING

The parties in Case Nos. 1:19-cv-00819, 1:19-cv-00873, 1:19-cv-00874, 1:19-cv-00898, and 1:19-cv-00903 (the “Neodron WDTX-2 Cases”) have narrowed their differences and hereby notify the Court of: (1) their agreement on the procedures for a consolidated two-day *Markman* hearing, and (2) their respective positions on coordination versus consolidation post-*Markman*.

1. **Markman Procedures.** During the recent CMC for the Neodron WDTX-2 Cases, the Court set these cases for a consolidated two-day Markman hearing on June 25 and 26, 2020. There are 13 total patents asserted by Neodron in the Neodron WDTX-2 Cases. The 13 patents are not asserted against all defendants, including several asserted against only a small subset of defendants. However, to promote efficiency, the parties have agreed to group the patents by the following general technology categories for purposes of *Markman* briefing and argument.

a. The parties agree to group the patents as follows:

i. Group 1 – Touch Sensor:

1. 9,965,106
2. 8,946,574

3. 9,086,770
4. 9,823,784
5. 10,088,960
6. 7,821,502

ii. **Group 2 – Touch Circuitry:**

1. 8,847,898
2. 8,610,009
3. 9,489,072

iii. **Group 3 – Touch Processing:**

1. 8,451,237
2. 8,502,547
3. 8,102,286
4. 10,365,747

b. The parties agree to consolidate briefing and argument according to the patent groupings above, wherein the defendants will join in a consolidated brief with respect to each patent asserted against a given defendant.

c. The parties agree that the following page limits will apply to the consolidated briefs, which will be simultaneously filed for each patent grouping on the dates set forth in the Court's Scheduling Order:

i. Opening Briefs:

1. Group 1: 48 pages
2. Group 2: 24 pages
3. Group 3: 32 pages

ii. Responsive Briefs:

1. Group 1: 48 pages
2. Group 2: 24 pages
3. Group 3: 32 pages

iii. Reply Briefs:

1. Group 1: 24 pages
2. Group 2: 12 pages
3. Group 3: 16 pages

The parties agree they may seek leave of the Court to expand these page limits upon a showing of good cause.

d. The parties intend to structure oral argument according to the above patent groupings. Unless the Court prefers some other procedure, the parties will begin oral argument for each grouping with any technology tutorials relevant to that patent grouping.

e. The parties also have agreed to a schedule for the events leading up to the *Markman* and have attached that agreed schedule as Exhibit A. For the defendants, the dates set forth in Exhibit A after the *Markman* hearing assume coordination and not consolidation, which is discussed further immediately below.

2. **Post-Markman Procedures.**

DEFENDANTS POSITION

Defendants contend that, because the patents asserted in the Neodron WDTX-2 Cases differ widely across the defendants, formal consolidation following the *Markman* hearing will be problematic and cause unnecessary complications. For these reasons, defendants object to

consolidating these cases, including for pretrial purposes. However, the defendants do agree that coordination post-*Markman* is appropriate and will agree to proceed as follows:

a. The parties will each have 45 total hours of fact depositions per side, per individual case, a decrease from the Court's default 75-hour limit. Interpreted depositions will be counted as 75% of the actual time. This limit includes third-party depositions as well.

b. Defendants will coordinate depositions of Neodron or Neodron affiliated witnesses, including by endeavoring to schedule such depositions on dates when all interested parties can attend and question the witness. The defendants also will coordinate to minimize repetitive or duplicative examination on common issues.

c. The defendants also will coordinate any depositions of inventors, prior art witnesses and other third parties who may have information relevant to multiple parties.

d. The defendants oppose common interrogatories as unworkable given the fact that different patents are asserted against different parties in several different cases. For the same reason, defendants oppose Neodron's proposed unilateral limit on the Rule 30(b)(6) deposition of Neodron, which would effectively limit each defendant to just two hours.

NEODRON'S POSITION

Neodron believes that consolidation is appropriate under the circumstances here. In addition to the items identified by Defendants, Neodron proposes the following additional procedures post-*Markman*:

e. For Neodron's 30(b)(6) deposition, the defendants will be limited to a time limit of 7 hours plus 1 additional hour for each remaining defendant in the consolidated cases (e.g., 6 defendants equals 13 hours deposition time).

f. The parties shall be limited to 20 common interrogatories per side in the consolidated cases. For each individual case, each side may propound an additional 15 interrogatories.

Dated: January 6, 2020

Respectfully submitted,

/s/ John M. Guaragna

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th of January 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record. Any other counsel of record will be served by first class U.S. mail.

/s/ John M. Guaragna
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